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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Cheetham et al

Atty. Ref.: MEWBURN

Serial No. 09/914 224

Group: 1761

Filed: 23 August 2001

Examiner: Hendricks

For: FLAVOUR/AROMA MATERIALS AND THEIR PREPARATION

* * * * *

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

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DECLARATION OF DEPOSITED MATERIALS

As an inventor of the above-identified application and also as an authorised officer (director) of, and on the instructions of, Zylepsis Limited, the assignee of the above-identified application, and depositor of strain Zyl 581, which was deposited with CABI Bioscience UK Centre Egham, Genetic Resource Collection, Bakeham Lane, Egham, Surrey TW20 9TY, United Kingdom on January 31, 2000, and which was assigned the Accession No. IMI 382568, I declare and state as follows:

- Zylepsis Limited has deposited the following biological material identified and referred to in the specification of this application and on the attached deposit receipt, and which was deposited under the terms of the Budapest Treaty (hereinafter "the deposit").

Accession No.

Depositor's Reference

Date Deposited

IMI382568

Zyl 581

31 January 2000

- As the deposit has been deposited and accepted under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, the filing of a viability statement is believed to be unnecessary [37 C.F.R. 1.807(b)]. A copy of the Viability Statement issued to Zylepsis Limited pursuant to Rule 10.2 by the International Deposit Authority is also attached however.

Zylepsis Limited
Serial No. 09/914,224

- The deposit will be maintained for a period of 30 years from the date of deposit or for the enforceable life of any patent issuing from this application or for a period of 5 years after the date of the most recent request for the furnishing of a sample of the deposited material, whichever is longest.
- The deposit will be replaced should it become contaminated or no longer viable.
- Subject to 37 C.F.R. § 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent issuing from the above-identified patent application.
- Access to the deposited material is permitted during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be so entitled under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

I further declare that all statements made herein of my own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By (signature) P.S.T. Cheetham
(Print Name) Peter Samuel James Cheetham
(Print Title) Director, Zylepsis Limited

Date: 6/02/03
6th Feb. 2003